

## REMARKS

Claims 1-40 are pending in the instant application. Claims 1, 10, 17, 21, 30, 37 and 40 are independent claims, and claims 2-9, 11-16, 18-20, 22-29, 31-36, 38, and 39 depend, respectively, from independent claims 1, 10, 17, 21, 30, and 37. The Applicants believe that the claims define patentable subject matter in light of the following remarks.

Claims 17-19, 30-32 and 36-38 currently stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lent. As previously noted, the Lent reference discloses a credit card approval system. (*See* Lent, col. 17, lns. 35-37 (“A real time credit approval system . . . primarily for the purpose of determining whether a credit card should issue to an applicant.”); *see also* col 4, lns. 44-47 (“FDR handles the embossing of the card and delivering it to approved applicants.”)) And while the Background of the Lent reference briefly mentions the blossoming of e-commerce (“Numerous transactions such as purchases of consumer goods, airline tickets and movie tickets have been adapted for execution on line”), the remainder of the Lent reference is devoid of any mention of e-commerce. Likewise, the Background of Lent suggests that it would be beneficial to obtain underwriting decisions in real-time, and furthermore that “[t]he true power of such a system would be realized when the system is accessed in the midst of a transaction to obtain credit specifically for the purpose of that transaction.” However, the Lent reference again fails to provide any detail on how the Lent system could complete such tasks. Instead, the Lent reference simply discloses the software architecture, data structure and processes implemented in making a real time credit decision. As such, the Lent reference does not either disclose or suggest “offering for sale the at least one product on a web server;” “determining, by a software engine using at least a portion of the credit report information, at least a likelihood of the buyer being approved for financing of at least one product being offered for sale online;” or “allowing the buyer to purchase the at least one product,” as is claimed in claim 17, as amended. The remaining relevant independent claims have also been amended to include similar limitations. As such, Applicants believe that claims 17-19, 30-32 and 36-38, as amended, are patentable over the Lent reference.

In addition, claims 1-39 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Mandler. Mandler discloses a financial clearinghouse that determines a buyer’s credit limit and

associated risk discount fee for a single contemplated transaction between a buyer and seller who have had no previous relationship. As the Office previously conceded, Mandler's method of transacting sales is disclosed in col. 7, ln. 21 – col. 8, ln 15. According to Mandler's system, the clearinghouse must first determine a preliminary credit line for a given buyer, based upon credit information obtained from the buyer. Once the initial credit limit is determined, the clearinghouse sends out requests for quotes to numerous sellers. (*See* col. 7, lns 35-37.) Once the clearinghouse gathers all of the quotes, the quotes are forwarded to the buyer, who in turn identifies the desired goods based upon the responsive quotes. (*Id.* at lns. 40-43.) The clearinghouse then performs a hard authorization, after which a purchase order is issued. (*Id.* at 44-47.) If the seller does not accept the purchase order, "the clearinghouse 40 allows for negotiations between the buyer 20 and seller 10," which can include "human interaction." (*Id.* at lns. 57-62.)

Accordingly, the Mandler reference fails to disclose or suggest offering at least one product for sale online. The Mandler system utilizes a financial clearinghouse that simply acts as a go-between for buyers and sellers that have no prior relationship. As noted in the quotes above, there is significant human interaction in connection with both the buyer and seller in identifying the relevant goods and deciding on a agreed upon price. The fact that quotes and purchase orders are conveyed electronically does not necessarily mean that the Mandler system is appropriate for the sale of goods online. In addition, the Mandler reference fails to disclose or suggest "a first web server including product information regarding at least one product being offered for sale on the first web server," or "a computer, communicatively coupled to the first web server, running browser software used to review the product information of the at least one product being offered for sale online," as is claimed in claim 1, as amended. The remaining independent claims include similar limitations that distinguish the claims from the Mandler reference. Thus, Applicants respectfully submit that the claims are patentable over Mandler.

Based on at least the foregoing, the Applicants believe that claims 1-40 are in condition for allowance. Given the state of the prosecution, if the Examiner disagrees or has any question regarding this submission, the Applicants request that the Examiner telephone the undersigned at (312) 775-8000 prior to issuing any further action.

A Notice of Allowance is courteously solicited.

Respectfully submitted,

Dated: September 12, 2005

By: \_\_\_\_\_



Ronald H. Spuhler  
Reg. No. 52,245

McAndrews, Held & Malloy, Ltd.  
500 West Madison Street - Ste. 3400  
Chicago, Illinois 60661  
(312) 775-8000